

**DELEGATION OF AUTHORITY
CLEAN WATER ACT (CWA)**

Emergency Temporary Restraining Orders

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Sections 309, 311, 402(h), 504, and 506, to refer requests for emergency temporary restraining orders to the U.S. Department of Justice and to the appropriate U.S. Attorney.
2. **TO WHOM REDELEGATED.** Through the Director, Superfund and Emergency Management Division, or equivalent, through the Branch Chief, Emergency Management Branch, or equivalent, and through the Section Chiefs, Emergency Response Section and Spill Prevention and Removal Section, or equivalents, to the On-Scene Coordinators.
3. **LIMITATIONS.**
 - a. The regional administrator, division director, branch chief, section chief, or on-scene coordinator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the referral before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
 - b. The regional administrator, division director, branch chief, section chief, or on-scene coordinator must notify the AA for OECA and the AA for OW before exercising this authority. The AA for OECA may waive the requirement for notification in writing. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the AA for OLEM must also be notified.
 - c. The AA for OECA must notify the AA for OW and the regional administrator, division director, branch chief, section chief, or on-scene coordinator before exercising this authority. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the AA for OLEM must also be notified.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to on-scene coordinators, or equivalent.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESION.** This delegation supersedes R10 2-14-D (06/26/2017) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
 - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. DOJ, June 1977, 42 Fed. Reg. 48,942 (1977).
 - b. For referral of other civil actions under CWA, see EPA Delegation 2-14-A.
 - c. EPA Delegation 2-14-D.

Dec 27, 2019
Date


Chris Hladick
Regional Administrator